

Entered - 3-27-01 - sb
CL 01L0199 - ALEXIS HOLMES

01- R -1032

CLAIM OF: **TYRUS UNDERWOOD**

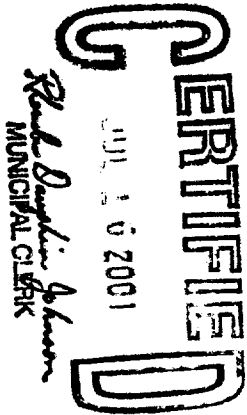
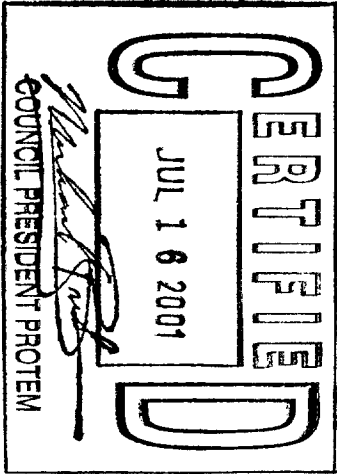
3111 Reserve Drive
Atlanta, Georgia 30319

For alleged damages sustained as a result of driving over a
unavoidable pothole in the road on March 9, 2001, at 1277 Lenox
Park Boulevard.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA



ADVERSED BY
CITY COUNCIL
JUL 16 2001

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 7/10/01

CHAIR: C. T. Martin

[Signature]
[Signature]
[Signature]

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0199

Date: 6/26/01

Claimant /Victim TYRUS UNDERWOOD

BY: (Atty) _____

Address: 3111 Reserve Drive, Atlanta, Georgia 30319

Subrogation: _____ Claim for Property damage \$ 299.95

Bodily Injury \$ _____

Date of Notice: 3/21/01

Method: Written, proper X

Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X

Ante Litem (6 Mo.) X

Date of Occurrence 3/9/01

Place: 1277 Lenox Park Boulevard

Department _____

Division: _____

Employee involved _____

Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained vehicular damages when he drove over a unavoidable pothole in the road. However, after investigating this incident, it was determined that the area in which the claimant alleges the incident occurred, is outside the City limits of Atlanta, and is situated in DeKalb County, and is not the responsibility of the City of Atlanta.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other X Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____


Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date 06-26-01

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 3/15/2001

H57mw
03/27/01
Dm

ENTERED - 3-27-01 - SB
01L0199 - ALEXIS HOLMES

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 299.95 + TAX property and/or \$ 0.00 bodily injury for which I contend the City is liable.

1. Date of incident: 3/9/2001 2. Time of Incident: 6:30 3. Police called: X
(month/day/year) Yes No
4. Location of incident (including street address): 1277 LENOX PARK BLVD. (MIDDLE OF LENOX PARK BLVD INSIDE LANE)
5. Name of your insurance company: ALLSTATE Policy No. 000162105790046
6. State what and how incident occurred: I WAS HEADED ON LENOX PARK BLVD (AWAY FROM N. DRAUID HILLS RD) ON THE INSIDE LANE AROUND 6:30 PM WHEN I HIT AN UNAVOIDABLE pothole DIRECTLY IN FRONT OF 1277 LENOX PARK BLVD. I PULLED OVER TO CHECK THE DAMAGE AND SAW THAT IT BENT MY RIM CAUSING A SLOW LEAK FROM MY TIRE.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
Your vehicle: SAAB 1998 (JUST PURCHASED) TYRUS UNDERWOOD
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: BRIAN KAINEN 3111 RESERVE DR (404) 995 9260
(Name) (Address) (Telephone Number)
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Tyrus Underwood
Signature of Claimant

TYRUS UNDERWOOD
(Print Claimant's Name)

3111 RESERVE DR
(Address)

ATLANTA, GA 30319
(City, State and Zip Code)

(770) 956-8311 ext 7657 678-595-7523
(Work Number) (Home Number)

01-R-1032

RCS# 2995
7/16/01
2:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 16

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

B McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

01-O-0992 01-R-1108
01-O-0710 01-R-1041
01-O-0711 01-R-1042
01-O-1089 01-R-1043
01-O-0995 01-R-1065

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 01-O-1091
2. 01-O-0722
3. 01-O-0855
4. 01-O-0890
5. 01-O-0891
6. 01-O-0980
7. 01-O-0924
8. 01-O-1086
9. 01-O-1090
10. 01-O-0731
11. 01-O-0917
12. 01-R-1013
13. 01-R-1014
14. 01-R-1015
15. 01-R-1016
16. 01-R-1007
17. 01-R-1009
18. 01-R-1012
19. 01-R-1005
20. 01-R-1006
21. 01-R-1011
22. 01-R-1109
23. 01-R-1017
24. 01-R-1077
25. 01-R-1080
26. 01-R-1019
27. 01-R-1020
28. 01-R-1021
29. 01-R-1022
30. 01-R-1023
31. 01-R-1024
32. 01-R-1025
33. 01-R-1026
34. 01-R-1027
35. 01-R-1028
36. 01-R-1107

**ITEMS ADVERSED
ON CONSENT
AGENDA**

37. 01-R-1029
38. 01-R-1030
39. 01-R-1031
40. 01-R-1032
41. 01-R-1033
42. 01-R-1034
43. 01-R-1035
44. 01-R-1036
45. 01-R-1037
46. 01-R-1038
47. 01-R-1039
48. 01-R-1040
49. 01-R-1044
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67. 01-R-1062
68. 01-R-1063
69. 01-R-1064
70. 01-R-1066
71. 01-R-1067
72. 01-R-1068

**ITEMS ADVERSED
ON CONSENT
AGENDA**

73. 01-R-1069
 74. 01-R-1070
 75. 01-R-1071
 76. 01-R-1072
 77. 01-R-1073
 78. 01-R-1104
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